

REMARKS

The Office Action mailed November 3, 2005 has been received and reviewed. Claims 1, 3-11, and 15-27 are in the case. Claims 1, 3-11, and 21-27 stand rejected under 35 U.S.C. §112 ¶2 as being indefinite. Claims 1, 5, 6, and 9 stand rejected under 35 U.S.C. §102(b) as being anticipated by the website of Yucca Dune. Claims 21-25 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,910,366 to Terrailon. Claims 15-20, and 26-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the website of Yucca Dune. Claims 1, 3-11, 15, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,165,875 to Kantar et al. in view of U.S. Patent No. 5,123,494 to Schneider.

REJECTIONS UNDER 35 U.S.C. §112

Claims 1, 3-11, and 21-27 stand rejected under 35 U.S.C. §112 ¶2 as being indefinite. By this Amendment claims 1, 3-11, and 25-27 have been cancelled rendering their rejections moot. Claim 21 has been rejected as indefinite for using the negative limitation “not having a public display that indicates the user’s weight in common numerical mass or weight terms.” By this amendment, Applicant has removed this limitation.

REJECTIONS UNDER 35 U.S.C. §102

Claims 1, 5, 6, and 9 stand rejected under 35 U.S.C. §102(b) as being anticipated by the website of Yucca Dune. Claims 21-25 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,910,366 to Terrailon.


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By this amendment, claims 1, 5, 6, 9, and 25 have been cancelled rendering their rejections moot.

With respect to amended claim 21, Applicant asserts that anticipation has not been established. In order to establish anticipation each and every element of the claimed invention must be found in a single prior art reference.

Amended claim 21 recites a plurality of skis having differently colored labels thereon each having a designated color corresponding to one of a plurality of ranges of user weights suitable for each of the plurality of skis, the ranges of user weights spanning multiple weight measuring units; a scale including a mechanism for obtaining a reading proportional to the weight of the user; and an indicator coupled to the mechanism and bearing differently colored regions corresponding to the colored labels, the mechanism actuating the indicator proportionally to the reading to indicate a selection of one of the colored regions corresponding to the weight of the user.

Terrailon fails to disclose each of these elements. Discloses only a scale with a dial indicator. Figure 1. Terrailon does not provide an indicator having colored regions corresponding to weight ranges for which groups of skis are suitable. Accordingly, anticipating has not been established.

Claims 22 through 24 are dependent on allowable claim 21 and are therefore allowable for at least the reasons discussed hereinabove.

REJECTIONS UNDER 35 U.S.C. §103

Claims 15-20, and 26-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the website of Yucca Dune. Claims 1, 3-11, 15, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,165,875 to Kantar et al. in view of U.S. Patent No. 5,123,494 to Schneider.

By this amendment claims 1, 3-11, and 25-27 have been cancelled rendering their rejections moot.

With respect to claim 15, Applicant asserts that a *prima facie* case of obviousness has not been established. In order to establish a *prima facie* case of obviousness each and every element must be found in the cited references and there must be a teaching or motivation in the prior art to combine the references to achieve the claimed invention.

None of the cited references recite the steps of establishing a set of non-alphanumeric pictorial symbols, each of which corresponds to one of said user weight ranges; providing a collection of skis which are sorted into groups, each of the skis in a particular group having performance characteristics suitable for users having any a weight which falls within a particular one of said user weight ranges; providing a set of ski indicia matched in visual appearance with said non-alphanumeric pictorial symbols; associating the ski indicia with each ski in the group of skis having performance characteristics suitable for users having a weight which falls within the one of said user weight ranges that corresponds to the one of said non-alphanumeric pictorial symbols which matches that particular one of the ski indicia; and assessing the weight of the user without publicly providing a common numeric indication of weight or mass;


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Terrailon for example fails to disclose each of these elements. Terrailon discloses only individual markings such as numbers and tick marks that do not correspond to weight ranges, but rather to individual weights. Figure 1. Likewise Schneider teaches only teaches giving an encrypted weight that corresponds to a customers weight, rather than an entire weight range. The website of Yucca Dune does not disclose the use of non-alphanumeric pictoral symbols corresponding to weight ranges, nor does it teach affixing such symbols to a weight measuring device or to a ski.

Inasmuch as none of the cited references teach the elements recited by applicant they cannot teach or suggest combination in order to achieve the claimed invention.

With respect to amended claim 18, Kantar et al. and Schneider, whether together or separate, fail to teach or suggest all the claimed limitations. In particular Kantar and Schneider fail to teach or suggest both of the following claim elements recited in claim 18.

- “establishing a set of non-alphanumeric pictoral symbols, each of which corresponds to one of said user weight ranges such that said non-alphanumeric pictoral symbols for each of said user weight ranges corresponds to a sub-range of that particular user weight range” and
- “assigning said assessed user weight into an appropriate one of said user weight ranges and identifying to the user the one of said non-alphanumeric pictoral symbols which corresponds to the one of said user weight ranges into which said assessed user weight is assigned if none of said non-alphanumeric pictoral symbols corresponds to said assessed user weight, providing a query to the user to aid in selecting an appropriate one of said non-alphanumeric pictoral symbols.”

Neither Kantar et al. nor Schneider discuss any query to handle situations where a weight does not fall into a sub-range of a user weight range as recited in claim 15. Kantar discusses only a scale for weighing a user and a means for deflecting a ski to determine an appropriate weight for the ski. Col. 1 ln. 64 – Col. 2 ln. 52. Schneider discloses only encrypting of a shopper's weight for theft detection purposes. Col. 1 ln. 45 – Col. 3 ln. 24.

Claims 16, 17, 19, and 20 are dependent on allowable claim 15 and are therefore allowable for at least the reasons discussed hereinabove.

CONCLUSION

In consideration of the Amendments and Remarks set forth above, Applicant respectfully requests reconsideration and allowance of all claims.

Respectfully submitted,

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I hereby certify that this communication is being deposited with the United States Postal Service via First Class Mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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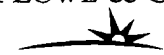
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